

DOCUMENT MANAGEMENT

Version	Date	Submitted By	Position
1.0	March 2017	Donna Mowbray	Interim Operations Manager
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REVISION HISTORY

Version	Date	Additions/Amendments	Author	Reviewed By

1. PURPOSE

The purpose of this policy is to help Board Directors, committee members, contractors and employees of the Australasian College for Infection Prevention and Control (ACIPC) effectively identify, disclose and manage any actual, potential or perceived conflicts of interest to protect the integrity of ACIPC and manage risk.

2. OBJECTIVES

The ACIPC Board of Directors and Executive Management Team (EMT) aims to ensure that its members, committee members, contractors and employees are aware of their obligations to disclose any conflicts of interest that they may have, and to comply with this policy to ensure they effectively manage those conflicts of interest as representatives of ACIPC.

3. SCOPE

This policy applies to the Board of Directors, committee members, contractors and employees and other co-opted members and individuals of ACIPC.

4. PROCEDURE

The Conflict of Interest and actions will be recorded via the following:

4.1 Via the arising mechanism (during the committee process contemporaneously).

4.2 If it arises outside of the above mechanism a ACIPC Conflict of Interest Form must be completed and added to the ACIPC Conflict of Interest Register.

5. DEFINITION OF CONFLICTS OF INTERESTS

A conflict of interest occurs when the private interests of an officer bearer come into conflict with their duty to act in the public interest. Conflicts of interest are particularly relevant where the office bearer has a decision-making role.

The need to manage conflicts of interest is based on two propositions. One is that people in public positions must avoid situations in which private interests can affect their public duties. The other is that situations where there is the appearance of a conflict must also be avoided, if only because protestations of innocence and integrity may be impossible to judge.

Conflicts of interest are not wrong in themselves and can happen without anyone being at fault. However, it is vital that they are disclosed and managed effectively so that office bearers perform their duties in a fair and unbiased way. Personal interests that can give rise to conflicts may be pecuniary, involving an actual or potential financial gain, or non-pecuniary without any financial element.

There is nothing unusual or necessarily wrong in having a conflict of interest. How it is dealt with is the important thing. While conflicts of interest are not wrong in themselves, and indeed cannot always be avoided, the potential for conflict of interest exists in all aspects of ACIPC operations. With increasing links between ACIPC and other organisations, companies and institutions, it is important that staff act and are seen to act with integrity and are not inappropriately benefited by improperly using their position in ACIPC.

The most effective means to address conflicts of interest is to establish a system under which directors, committee members, contractors and volunteers are required to disclose and obtain evaluation of any conflict of interest.

A conflict of interest occurs when a person's personal interests conflict with their responsibility to act in the best interests of ACIPC. Personal interests include direct interests as well as those of family, friends, or other organisations a person may be involved with or have an interest in (for example, as a shareholder). It also includes a conflict between the person's duty to ACIPC and another duty that the person has (for example, to another organisation). A conflict of interest may be actual, potential or perceived and may be financial or non-financial. These situations present the risk that a person will make a decision based on, or affected by, these influences, rather than in the best interests of ACIPC and must be managed accordingly.

6. POLICY

This policy has been developed because conflicts of interest commonly arise, and do not need to present a problem to the ACIPC if they are openly and effectively managed. It is the policy of ACIPC as well as a responsibility of the person, that ethical, legal, financial or other conflicts of interest be avoided and that any such conflicts (where they do arise) do not conflict with the obligations to ACIPC.

ACIPC will manage conflicts of interest by requiring board members, committee members, contractors and employees of ACIPC to:

- avoid conflicts of interest where possible
- identify and disclose any conflicts of interest
- carefully manage any conflicts of interest, and
- follow this policy and respond to any breaches.

6.1 Responsibility of the Board of Directors

The Board of Directors is responsible for:

- establishing a system for identifying, disclosing and managing conflicts of interest across ACIPC
- monitoring compliance with this policy, and
- reviewing this policy on an annual basis to ensure that the policy is operating effectively.

6.2 Identification and disclosure of conflicts of interest

Once an actual, potential or perceived conflict of interest is identified, it must be entered into the ACIPC's register of interests, as well as being raised with the relevant committee or person. The register of interests must be maintained by the Office Manager and record information related to a conflict of interest (including the nature and extent of the conflict of interest and any steps taken to address it).

7. CONFIDENTIALITY OF DISCLOSURES

It may be necessary to provide for an alternative disclosure mechanism if additional restrictions on disclosure are required.

8. PROCEDURES FOR THE MANAGEMENT OF CONFLICTS OF INTEREST

8.1 Conflicts of interest of board members

Once the conflict of interest has been appropriately disclosed, the Board of Directors or committee members (excluding the person disclosing and any other conflicted person) must decide whether those conflicted persons should:

- vote on the matter (this is a minimum),
- participate in any debate, or
- be present in the room during the debate and the voting.

In exceptional circumstances, such as where a conflict is very significant or likely to prevent a person from regularly participating in discussions, it may be worth the Board of Directors or committee considering whether it is appropriate for the person conflicted to resign.

8.2 What should be considered when deciding what action to take

- In deciding what approach to take, the Board of Directors or committee will consider whether the conflict needs to be avoided or simply documented
- whether the conflict will realistically impair the disclosing person's capacity to impartially participate in decision-making
- alternative options to avoid the conflict
- the possibility of creating an appearance of improper conduct that might impair confidence in, or the reputation of ACIPC

The approval of any action requires the agreement of at least a majority of the Board of Directors, committee members or President (excluding any member/s) who are present and voting at the meeting. The action and result of the voting will be recorded in the minutes of the meeting and in the register of interests.

9. COMPLIANCE WITH THIS POLICY

If the Board of Directors or committee members has a reason to believe that a person subject to the policy has failed to comply with it, it will investigate the circumstances. If it is found that this person has failed to disclose a conflict of interest, the Board of Directors or EMT may take action against them. This may include seeking to terminate their relationship with the ACIPC. If a person suspects that a board director, committee member, contractor or employee has failed to disclose a conflict of interest, they must discuss with the person in question and the President.